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FILED

Clerk of the Superior Court

JUN 26 2007

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

By: K SANDOVAL, Deputy

Coordination Proceeding Special Title
(Rule 1550(b)):

IN RE NATURAL GAS ANTI-TRUST
CASES I, II, III, IV, & V

[This Document Relates to ALL PRICE
INDEXING CASES]

Judicial Council Coordination Proceeding
Nos. 4221, 4224, 4226 & 4228

[PROPOSED] ORDER DETERMINING
GOOD FAITH SETTLEMENT PURSUANT
TO CODE OF CIVIL PROCEDURE
SECTION 877.6

Date: June 12, 2007

Time: 8:15 a.m.

Dept.: 71

Judge: Hon. Ronald S. Prager

[PROPOSED] ORDER DETERMINING GOOD FAITH SETTLEMENT PURSUANT TO CODE OF CIVIL
PROCEDURE SECTION 877.6

1 Duke Energy Corporation and Duke Energy Trading and Marketing, L.L.C.'s Motion for
2 an Order Determining the Good Faith of a Settlement having been presented to the Court, and;

3 After consideration of all documents filed in connection with the motion, and any
4 arguments of the parties relating thereto at the June 12, 2007 hearing, the Court hereby confirms
5 the following tentative ruling as the ruling of this Court:

6 The Court rules on defendants Duke Energy Corp. and Duke Energy
7 Trading and Marketing, L.L.C.'s motion for determination of good faith
8 settlement (collectively "Duke Defendants") as follows:

9 This unopposed motion for good faith settlement is GRANTED for the
10 reasons stated below.

11 The factors that a Court considers in evaluating whether a settlement was
12 made in good faith is set forth in *Tech-Bilt, Inc. v. Woodward-Clyde &*
13 *Associates* (1985) 38 Cal. 3d 488, 499 (hereafter "*Tech-Bilt*").

14 Here, the Duke Defendants have set forth sufficient evidence for this Court
15 [to] find that the requirements outlined in *Tech-Bilt* have been met in this
16 case. Based on the information provided by the moving parties, the Court
17 concludes that the settlement between the Class Plaintiffs and the Duke
18 Defendants is within the ballpark of its proportionate share of liability.
19 (Duke's Notice of Lodgment, Exhibit I; *See also* Duke Defendants'
20 Memorandum of Points and Authorities ("Duke Defendants' P&A"), pp. 2-
21 3.) The Court also notes that no evidence of collusion, fraud, or tortious
22 conduct has been brought to this Court's attention. (Duke Defendants'
23 P&A, p. 3.)

24 Based thereon, this Court's determination that the settlement subject to this motion was
25 made in good faith shall bar any other joint tortfeasor or co-obligor from any further claims
26 against the Duke Defendants for equitable comparative contribution, or partial or comparative
27 indemnity, based on comparative negligence or comparative fault, pursuant to California Code of
28 Civil Procedure § 877.6(c).

IT IS SO ORDERED.

29 Date: JUN 26 2007



Judge of the Superior Court

RONALD S. PRAGER